

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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3COM CORPORATION,)
)
Plaintiff,)
)
vs.) No. CV-03-2177-VRW
)
D-LINK SYSTEMS, INC.,)
)
Defendant.)
)

REALTEK SEMICONDUCTOR)
CORPORATION,)
)
Intervenor/)
Counterclaim Defendant,)
)
vs.)
)
3COM CORPORATION,)
)
Intervention Defendant/)
Counterclaim Plaintiff.)
)

CERTIFIED COPY

30(b)(6) DEPOSITION OF
3COM CORPORATION

January 20, 2005

REPORTED BY: JAN LIGUORI HERNANDEZ, CSR 6703 01-361847



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1 has alleged that D-Link infringes in this lawsuit?

2 A. I understand that there are three patents
3 listed in Chi-Lie's test report, I don't know the
4 patent numbers.

5 Q. You have not gone through to do any sort of
6 analysis of the patents compared to the testing that
7 Chi-Lie Wang did?

8 A. No.

9 Q. Okay. Tell me do you know what D-Link
10 products that 3Com has tested with respect to any 3Com
11 patents?

12 A. It is my understanding that 3Com tested the
13 D-Link 10/100 NIC with the Realtek ASIC, and the D-Link
14 10/100 NIC with the Sundance ASIC.

15 Q. Where does that understanding come from, who
16 did you talk to to get that information?

17 A. The D-Link 10/100 NIC with the Realtek ASIC is
18 included in the test report prepared by Chi-Lie Wang.
19 The D-Link 10/100 NIC with the Sundance chip is my
20 understanding from Chi-Lie Wang.

21 Q. Okay. You didn't look at any documents
22 relating to the Sundance test?

23 A. No.

24 Q. Do you know whether any such documents exist?

25 A. No.

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1 the 530TX+ D-Link card infringed as of October 2002 is
2 not something you're prepared to talk about today?

3 A. No.

4 Q. Okay. Now let's go back to the two testing,
5 two tests that you described that Chi-Lie Wang did.
6 You said that he tested a Realtek ASIC. Do you know
7 what the specific number of that ASIC was?

8 A. I don't recall.

9 Q. All right. Was it an ASIC with a part number
10 that began with RTL?

11 A. Yes.

12 Q. Okay. And did he test that ASIC by itself or
13 did he test it as part of a network interface card?

14 A. As part of a network interface card.

15 Q. Do you know what the specific network
16 interface card he tested it on or what is the
17 description -- start over.

18 What is the description of the network
19 interface card on which he found the Realtek ASIC?

20 A. The Hockings 10/100 Network Interface Card,
21 and the D-Link 10/100 Network Interface Card.

22 Q. Do you know what the specific part number of
23 the D-Link 10/100 interface card was that he used to
24 test?

25 A. The D-Link Network Interface Card was the

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1 DFE-530TX family of products.

2 Q. Okay. But specifically do you know which card
3 it was?

4 A. No.

5 Q. All right. And why do you say that, where do
6 you get the information that it was from the 530TX
7 family?

8 A. As part of my job responsibilities.

9 Q. But, did you specifically get that information
10 from somebody or from a document?

11 A. From competitive analysis.

12 Q. Well, you're describing a test that Mr. Wang
13 performed on a specific card. How do you know which
14 card he performed his test on?

15 A. Because I know the low end D-Link 10/100 NIC
16 card is the DFE-530TX family of products.

17 Q. Did Mr. Wang tell you what card he performed
18 his test on?

19 A. The D-Link 10/100 NIC.

20 Q. That's all he said, he just said the D-Link
21 and he did not give you a part number?

22 A. Correct.

23 Q. Did you or anyone at 3Com look for the card
24 that the test was done on?

25 A. It was my understanding that they did look.

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1 Q. What document is it that -- my understanding
2 of what you just testified, Ms. Davis, was that the
3 error that Mr. Wang -- that was the scrivener's error
4 was Mr. Wang's failure to put the product number in his
5 test?

6 A. Test report.

7 Q. Test report, okay.

8 A. Correct. In first quarter of 2002, Chi-Lie
9 Wang's test report did not include the specific D-Link
10 part number.

11 Q. Okay. Let me see if this is the document that
12 your counsel was referring to. I did not understand
13 this, but from what you're saying this may be the
14 answer.

15 MR. MORRISSETT: Can we mark this next exhibit
16 as Exhibit 8.

17 (Whereupon, Deposition Exhibit 8 was
18 marked for identification)

19 MR. MORRISSETT: Q. You have in front of you
20 what we've labeled Exhibit 8 for the deposition. Up at
21 the top it's got a title "Realtek Patent Infringement
22 Analysis," and at the bottom it's got a production
23 number from 3Com, which means this is a document that
24 3Com produced as part of this litigation, and the
25 number on the first page down there in tiny print is

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1 3COM 10501, and the last page of this is 3COM 10506, so
2 it's about six pages.

3 Have you seen this document before?

4 A. Yes.

5 Q. Is this the document you were referring to?

6 A. Yes.

7 Q. All right. And can you describe what you say
8 is the scrivener's error?

9 A. Yes. When Chi-Lie prepared the document, he
10 states "testing on D-Link...10/100 NIC," but he did not
11 specify the D-Link part number.

12 Q. Do you know what the blank is there that
13 appears after the words D-Link and before --

14 A. Hocking's 10/100 NIC.

15 Q. Okay. So, you're saying that the error that
16 3Com is talking about in its motion papers is the
17 absence of a D-Link product number in Exhibit 8?

18 A. Can you clarify that question?

19 Q. Okay, sure. I'm trying to understand what the
20 scrivener's error is. It's my understanding of what
21 you've just testified is that the scrivener's error
22 that 3Com claims that it made is Mr. Wang's failure to
23 put the D-Link product number in Exhibit 8?

24 A. Correct.

25 Q. Okay. When was the first time that you heard

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1 August?

2 A. No.

3 Q. Let's go back to Exhibit 8, which is
4 Mr. Wang's Realtek patent infringement analysis. Does
5 3Com have a standard format for analyses such as this?

6 A. Not to my knowledge.

7 Q. Okay. Is there any standard protocol or rule
8 at 3Com that says if you prepare such an analysis, you
9 must put the product number of the product that you're
10 testing in the document?

11 A. Not to my knowledge.

12 Q. And let me step back to the 530TX, the
13 DFE-530TX D-Link product. I think you've said that you
14 don't know of testing documents or documents that show
15 the testing that was done on that product; am I correct
16 on that? Let me just ask it again.

17 A. Okay.

18 Q. Are there any -- did -- in your understanding
19 did 3Com test D-Link's 530TX product -- I'm sorry, I'm
20 misstating myself.

21 Did 3Com test D-Link's 550TX product?

22 A. It's my understanding that 3Com did test the
23 D-Link 550 product.

24 Q. Is it your understanding that 3Com has no
25 documents that show that testing?